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April 2, 1993

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

RM-8224

Ms. Donna R. Searcy  
Secretary  
Federal Communications Commission  
1919 M Street, N.W.  
Room 222  
Washington, D.C. 20554

Attention: Robert H. McNamara, Chief  
Special Services Division  
Private Radio Bureau

Re: Maritime Radio Services; Transmission of Radiotelephony  
Traffic Lists on Narrow-band Direct-Printing Channels

Dear Mr. McNamara:

The purpose of this letter is to request a Declaratory Ruling, pursuant to Section 5(d) of the Administrative Procedure Act and Section 1.2 of the Commission's Regulations, concerning the use of narrow-band direct-printing (NB-DP) frequencies. Specifically, the issue posed is whether NB-DP frequencies may be utilized for the continuous transmission of traffic lists (with frequency lists and weather forecasts broadcast hourly on an alternating basis) relating to radiotelephony service. Subsumed within the foregoing inquiry are the questions of (i) whether dedication of NB-DP frequencies for continuous broadcasts of radiotelephony traffic lists is a proper use of the NB-DP channels and, if so, (ii) whether said transmission time counts toward the channel utilization time for justification of additional frequency assignments under Section 80.361(a)(2) of the Commission's Rules. Finally, query whether the response to the issue posed is dependent upon whether the public coast station operator exchanges traffic with vessels in the NB-DP mode, or whether the public coast station operator offers only radiotelephony service?

To assist you in your analysis, we are pleased to provide the following background information, based upon our review of

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the Commission's Regulations and the international Radio Regulations.

Article 65 of the Radio Regulations, setting forth the General Radiotelephone Procedure, encourages use of traffic lists. RR 4924 provides: "Each coast station shall, so far as practicable, transmit its call in the form of 'traffic lists' ... These calls shall be made ... at intervals of not less than two hours and not more than four hours during the working hours of the coast station." RR 4925 provides that "Coast stations shall transmit their traffic lists on the normal working frequencies in the appropriate bands." These provisions of the Radio Regulations, which are mandatory ("shall") in nature, are carried forward into the Commission's Rules. Section 80.108 provides that "Traffic lists will be transmitted on the station's normal frequencies at intervals," in the case of telegraphy, of at least two hours and not more than four hours, and in the case of radiotelephony, of at least one hour and not more than four hours. This rule goes on to state that "The announcement must be as brief as possible and must not be repeated more than twice."

In addition to the foregoing, and with specific reference to the issue of continuous transmission of traffic lists and ancillary information, we note that RR 339 enjoins members to limit "the spectrum space used to the minimum essential to provide in a satisfactory manner the necessary services." RR 4908, appearing in Article 65, provides that "The use of devices for continuous or repetitive calling or identification in a manually operated radiotelephony service is not permitted." RR 4842A, found in Article 64 concerning General Procedures for Narrow-Band Direct-Printing Telegraphy, states that "Before transmitting, a station shall take precautions to ensure that its emissions will not interfere with transmissions already in progress ..." The requirement for monitoring before transmitting is carried forward into the Commission's Rules at Section 80.92(a). Moreover, the scope of communications for public coast stations is defined in Section 80.453(a)(3) as entailing the "exchange [of] public correspondence." (Emphasis added.)

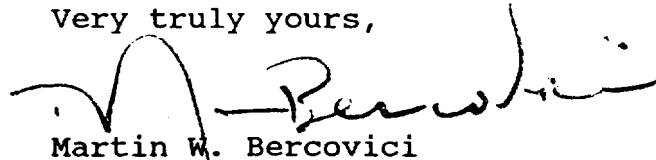
Further bearing upon the foregoing inquiry, RR 4929 provides that the hours and operating frequencies for traffic lists broadcasts "shall be stated in the List of Coast Stations." This provision appears consistent with RR 4924, cited above, which prescribes the minimum and maximum intervals for traffic lists transmissions. Moreover, the Radio Regulations and the Commission's Rules identify dedicated digital selective calling channels which may be utilized for advising ships that traffic is being held.

Mr. Robert H. McNamara  
April 2, 1993  
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KELLER AND HECKMAN

We appreciate your attention to the foregoing, and we look forward to your response to this inquiry. Please let us know if we can provide any further information with regard to the issue posed.

Very truly yours,

A handwritten signature in black ink, appearing to read "M. Bercovici", with a large, sweeping initial "M" and a long horizontal stroke extending to the right.

Martin W. Bercovici

Attorney for  
Mobile Marine Radio, Inc.